

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Georgia Rochon	Team: Squad #2	CCRB Case #: 201810622	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 12/14/2018 8:55 PM	Location of Incident: [REDACTED]	Precinct: 24	18 Mo. SOL 6/14/2020	EO SOL 1/29/2021	
Date/Time CV Reported Fri, 12/21/2018 3:15 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Fri, 12/21/2018 3:15 PM		
Complainant/Victim	Type	Home Address			
[REDACTED]	[REDACTED]	[REDACTED]			
Witness(es)	Home Address				
[REDACTED]	[REDACTED]				
Subject Officer(s)	Shield	TaxID	Command		
1. POM Felix Cruz	15033	963474	024 PCT		
Witness Officer(s)	Shield No	Tax No	Cmd Name		
1. POM Luis Torres	19168	943885	024 PCT		
Officer(s)	Allegation			Investigator Recommendation	
A.POM Felix Cruz	Off. Language: Police Officer Felix Cruz made remarks based on § 87(2)(b) [REDACTED]'s gender identity.			[REDACTED]	

Case Summary

On December 21, 2018, § 87(2)(b) filed this complaint with the CCRB in person.

On December 14, 2018, at approximately 8:55 p.m., Police Officer Luis Torres and Police Officer Felix Cruz, both of the 24th Precinct, spoke to § 87(2)(b) on § 87(2)(b) of § 87(2)(b) in Manhattan in response to a 911 call she made stating that her neighbor in apartment § 87(2)(b) was harassing her. While speaking with § 87(2)(b) Police Officer Cruz allegedly addressed § 87(2)(b) who identifies as gender nonconforming, as “Ma’am, sir, whatever you are” (Allegation A—Offensive Language—Gender Identity—§ 87(2)(g))

Surveillance footage from the § 87(2)(b) was obtained through the course of this investigation. The full video is attached to IA #23 (Board Review 07) and it is summarized in IA #30 (Board Review 08). Clips of the relevant portions are attached to IA #33 and IA #34 (Board Review 03 and 04).

Findings and Recommendations

Allegation (A) – Offensive Language: Police Officer Felix Cruz made remarks based on § 87(2)(b) s gender identity.

§ 87(2)(b) was interviewed at a Subway restaurant at 2508 Broadway in Manhattan on December 21, 2018, and participated in a photo viewing interview on February 15, 2019 (Board Review 06). Police Officer Torres and Police Officer Cruz were interviewed on February 7, 2019. § 87(2)(b) § 87(2)(b) was interviewed at § 87(2)(b) on February 8, 2019.

§ 87(2)(b) recalled hearing a knock on her apartment door on the evening of December 14, 2018. Upon opening the door, § 87(2)(b) saw approximately 8 to 9 officers. An officer began to speak to § 87(2)(b) about the ongoing dispute between § 87(2)(b) and her neighbor in apartment § 87(2)(b). At some point during this conversation, Police Officer Cruz addressed § 87(2)(b) as, “Ma’am, sir, whatever you are.” § 87(2)(b) did not respond to this and shut her door.

§ 87(2)(b) did not recall the specific events of December 14, 2018, but stated that, while officers had responded to § 87(2)(b) s apartment on numerous occasions, she had never heard officers address § 87(2)(b) as “Ma’am, sir, whatever you are.”

Surveillance footage from the § 87(2)(b) shows Police Officer Cruz and Police Officer Torres responding to apartment § 87(2)(b) on December 14, 2018 (Board Review 03 and Board Review 04). No additional officers arrive. The footage does not have audio.

Neither Police Officer Cruz nor Police Officer Torres specifically recalled the incident on December 14, 2018, but both officers stated that they were familiar with § 87(2)(b) Police Officer Torres believed he had interacted with § 87(2)(b) on only one prior occasion, while Police Officer Cruz stated that he had dealt with § 87(2)(b) on numerous occasions. Both

Police Officer Cruz and Police Officer Torres identified Police Officer Cruz as the contact officer during any interaction they had had with § 87(2)(b)

Police Officer Cruz understood § 87(2)(b) to identify as a transgender female, and used the “proper pronouns” to refer to her while interacting with her. Police Officer Cruz described the “proper pronouns” as being the pronouns § 87(2)(b) preferred to be referred to with, which he understood to be female pronouns. Police Officer Cruz came to understand that § 87(2)(b) used female pronouns through her own statements, and recalled that he once referred to § 87(2)(b) as “Ma’am,” and she thanked him for doing so. Police Officer Cruz stated that he did not say “Ma’am, sir, whatever you are” to § 87(2)(b) on any occasion, and that he did not recall Police Officer Torres doing so.

Police Officer Torres did not recall whether § 87(2)(b)'s gender identity was discussed during the occasion on which he interacted with § 87(2)(b). He was not sure whether he said “Ma’am, sir, whatever you are,” to § 87(2)(b) and he did not know how Police Officer Cruz addressed § 87(2)(b).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named a victim in four allegations (Board Review 01):
 - § 87(2)(b)
- Police Officer Cruz has been a member of the NYPD for one year and this is the first CCRB complaint to which he has been a subject.

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- As of February 27, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (Board Review 09).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date